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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,550	06/14/2000	Brian W. Ables	24764A	7906

22889 7590 03/12/2003

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 03/12/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,550

Applicant(s)

ABLES ET AL

Examiner

Jill M Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 19-21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 17 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The rejection of claims 17-18 and 22-23 under 35 U.S.C. 102(b) as being anticipated by Yamada et al, 4,427,482 or Pollet et al, 5,024,890 or Dunbar 4, 898,770 is moot in view of applicants' amendments.

The rejection of claims 18 and 25 as being anticipated by Woodside 5,972,503 is moot in view of applicants' amendments.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17, 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Woodside 5,972,503 for reasons of record.

Woodside teaches a composite strand, performs and composite articles molded therefrom as required by claims 17 and 22-24. The composite strand comprises as least one strand of a fibrous carrier substrate, at least one layer of a chemical treatment comprising a catalyst applied to the surface of the fibrous carrier substrate and at least one layer of a binder resin applied to the outer layer of said chemical treatment, wherein the binder resin is of the type contemplated by applicants in claim 24. See abstract and column 4, lines 45-64, column 5, lines 26-31, column 20, lines 40-56 and column 21, lines 1-3. Moreover, it is the examiner's position that since the matrix resins of

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Woodside are of the type set forth by applicants, properties such as the acid value are within the range contemplated by applicants as well and thus are inherent. In addition, Woodside teaches that his roving comprises reinforcing fibers and composite strands as set forth by claims 26 and that the rovings can be chopped into pellets, as required by claims 27 and 30, wherein the chopped pellets have a length within the range set forth by applicants in claim 28. See column 8, lines 51-64, column 10, lines 24-30, and column 34, line 65 through column 35, line 5.

Therefore, the prior art teachings of Woodside anticipate the invention as claimed in the present claims 17 and 22-28.

Response to Arguments

3. Applicant's arguments filed December 13, 2002 have been fully considered but they are not persuasive.

Applicants argue that Woodside does not teach a string binder but describes a prepeg material, whereas a prepeg material is not equivalent to a string binder.

In this regard, it is the examiner's position that applicants have not clearly described or distinguished that which constitutes a "string binder" and how said "string binder" differs from the treated fibers and composite strands formed therefrom of Woodside. The subject matter defined by the invention, when read in light of the specification, appears to describe a string binder as continuous strands coated with a precoating material and further coated with a binder resin. Woodside teaches continuous strands coated with a chemical treatment pre-coat, and subsequently

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coating with a binder resin. Hence, it is the examiner's position that Woodside does in fact teach "string binders".

Applicants argue that the prepeg material of Woodside is not formed by introducing a catalyst composition as a pre-coating or post-coating.

The examiner disagrees. Woodside teaches that his chemical treatment can contain a catalyst (column 21, line 3) and that said treatment is applied to the fibrous substrate (column 21, lines 55-57). Thus, Woodside necessarily teaches introducing a catalyst composition as a pre-coating.

Applicants argue that because the prepeg material of Woodside is not the equivalent of the presently claimed string binders, the proposed preform of Woodside is not equivalent to the preform of the present invention, nor the composite structure or multi-end rovings.

Allowable Subject Matter

4. Claims 18 and 29-31 are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

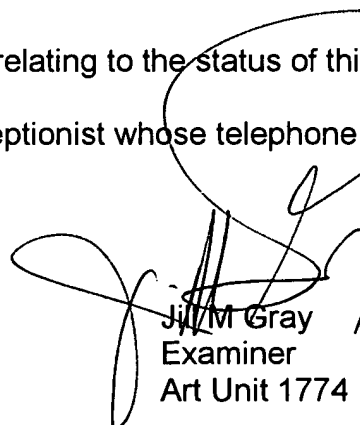
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M Gray whose telephone number is 703.308.2381. The examiner can normally be reached on 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703.308.0449. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.5408 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0651.



Jill M Gray
Examiner
Art Unit 1774

jmg
March 8, 2003